

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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NICOLE ZE'TONE,	:	08 Civ. 0495 (DLC):
	:	
Plaintiff,	:	<b><u>PLAINTIFF'S RULE 26(a)</u></b>
	:	<b><u>DISCLOSURES</u></b>
-against-	:	
	:	
KRIZIA S.p.A. and FRANCESCO VITALE,	:	
	:	
Defendants.	:	
-----X		

Pursuant to Fed. R. Civ. P. 26(a)(1), plaintiff Nicole Ze'tone ("Plaintiff") hereby provides her initial disclosures to defendant Krizia S.p.A. ("Krizia"). These disclosures represent information, documents and matters reasonably available at this time. Plaintiff is continuing her investigation and will supplement these disclosures, to the extent required, if supplemental information that has not already been disclosed in discovery becomes available. Plaintiff will disclose her expert witnesses when and if any are retained pursuant to the court's Scheduling Order.

**A. Rule 26(a)(1)(A)(i) Disclosures (Individuals Likely to Have Discoverable Information).**

Subject to continuing investigation and Plaintiff's right to disclose the names of additional individuals, Plaintiff submits that the following are the names, addresses and telephone numbers of each individual likely to have discoverable information that Plaintiff may use to support her claims:

1. Aldo Pinto

Mr. Pinto is one of the owners of Krizia and has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff. In addition, Mr. Pinto has

knowledge of Krizia's policies and procedures.

Upon information and belief, Mr. Pinto may be contacted through counsel for Krizia.

Mr. Pinto's last known addresses are:

Krizia S.p.A.  
R.E.A. Milano 1226463 R.I.  
Milano 262770  
ITALY

Krizia S.p.A.  
via Manin 19  
Milano 20121  
ITALY

Mr. Pinto's last known phone number is 02 620261.

2. Mariuccia Mandelli

Ms. Mandelli is the founder of Krizia and one of its owners and has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff. In addition, Ms. Mandelli has knowledge of Krizia's policies and procedures.

Upon information and belief, Ms. Mandelli may be contacted through counsel for Krizia.

Ms. Mandelli's last known addresses are:

Krizia S.p.A.  
R.E.A. Milano 1226463 R.I.  
Milano 262770  
ITALY

Krizia S.p.A.  
via Manin 19  
Milano 20121  
ITALY

Ms. Mandelli's last known phone number is 02 620261.

3. Francesco Vitale

Upon information and belief, Mr. Vitale is an employee of Krizia. Mr. Vitale has knowledge of his harassment of Plaintiff and of Krizia's policies and procedures.

Upon information and belief, Mr. Vitale may be contacted through counsel for Krizia.

Mr. Vitale's address is unknown.

Mr. Vitale's phone number is unknown.

4. E.J. Tuason

Mr. Tuason was an employee of Krizia who has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff.

Mr. Tuason's address is unknown.

Mr. Tuason's last known telephone number is (917) 257-5715.

5. Vivian Peng

Vivian Peng was an employee of Krizia who has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff.

Ms. Peng's address is unknown.

Ms. Peng's last known telephone number is (917) 553-5335.

6. Clarita Pinto

Clarita Pinto was an employee of Krizia who has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff.

Ms. Pinto's address is unknown.

Ms. Pinto's last known telephone number is (718) 898-4337.

7. Gregory Mix

Gregory Mix was an employee of Krizia who has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff.

Mr. Mix's address is unknown.

Mr. Mix's last known telephone number is (212) 463-9506.

8. William (Last Name Unknown)

A security guard at the Krizia store named William has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff.

William's address is unknown.

William's last known telephone number is (718) 738-5417.

9. Jackie Garcia

Ms. Garcia is an employee of Krizia who has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff.

Upon information and belief, Ms. Garcia may be contacted through counsel for Krizia.

Ms. Garcia's address is unknown.

Ms. Garcia's telephone number is unknown.

10. Cheryl Beal

Ms. Beal has knowledge of defendant Francesco Vitale's sexual harassment of Plaintiff and knowledge of the damage to video monitors in Krizia's New York store and of the installation of replacement video monitors.

Ms. Beal's address is unknown.

Ms. Beal's telephone number is unknown.

11. S.T.C. Electronics

S.T.C. Electronics is an entity that has knowledge of the provision and installation of video monitors at Krizia's New York store.

The last known address of S.T.C. Electronics is:

300 W. 49<sup>th</sup> Street  
New York, N.Y. 10019

The last known telephone number of S.T.C. Electronics is (212) 333-3150.

12. Judy Haas

Ms. Haas was a customer serviced by Plaintiff who has knowledge of discounts provided by Krizia.

Ms. Haas's last known address is:

1466 E. 13<sup>th</sup> Street  
Brooklyn, N.Y. 11230

Ms. Haas's last known phone number is (718) 645-0499.

13. Patti Rose, Inc.

Patti Rose, Inc. was a customer serviced by Plaintiff who has knowledge of discounts provided by Krizia.

The last known address of Patti Rose, Inc. is:

400 East 56th Street  
Suite 40-O  
New York, N.Y. 10022

The last known phone number for Patti Rose, Inc. is (212) 753-7690.

**B. Rule 26(a)(1)(A)(ii) Disclosures (Disclosures of All Documents, Data Compilations and Tangible Things).**

Plaintiff states that documents, data compilations and tangible things that are

in her possession, custody and control that she may use to support her claims or defenses are attached hereto as documents Bates-numbered N.Z. 000001-000007.

**C. Rule 26(a)(1)(A)(iii) Disclosures (Computation of Damages).**

Lost base wages and commissions of at least \$75,000.00 dollars, until earnings from replacement work reach parity with base wages from Krizia.

Unpaid commissions of to be determined upon review of Defendants' sales records and at trial.

Emotional distress damages which are ongoing, to be determined at trial;

Punitive damages in an amount that Plaintiff cannot yet estimate, to be determined at trial; and,

Costs with attorney's fees, in an amount to be determined following trial, but which will probably exceed \$450,000.00.

**D. Rule 26(a)(1)(A)(iv) Disclosures (Insurance Coverage).**

Plaintiff is unaware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: May 2, 2008  
New York, New York

PAVIA & HARCOURT LLP

/s/ Jonathan A. Selva  
Adam D. Mitzner (AM-8325)  
Jonathan A. Selva (JS-2006)

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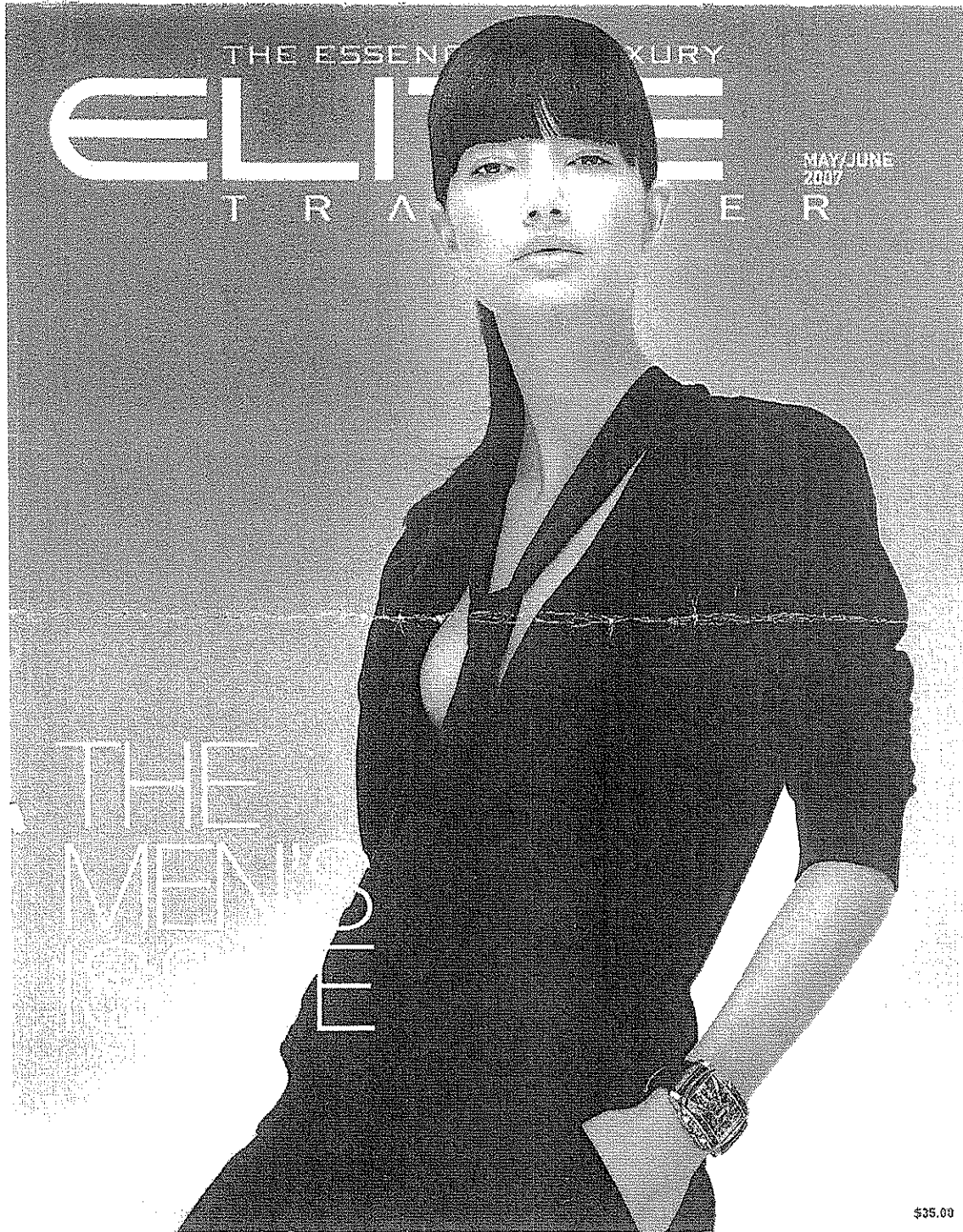
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Attorneys for Defendant KRIZIA S.P.A.





N.Z. 000001



KRIZIA

To : Mr. Aldo Pinto  
From : Ms. Nicole Ze'tone  
Date : August 28, 2006

Dear Mr. Pinto,

Hope all is well !

I wanted to confirm with you that my salary increase for stepping into the Manager's position in the New York Boutique will initially be \$55,000.00 a year plus 3% commission on total store revenues, with a review following 6 months. With the understanding that if the store revenues are increased, we could meet and discuss an increase in salary and commission.

I hope that I can also, receive a clothing allowance of two outfits per season.

I hope that this is satisfactory.

Thanking you in advance, I remain.

Sincerely,

*Nicole Ze'tone*  
Nicole Ze'tone

18/05/2007 18:33

0229005232

KRIZIA SPA UFF. AMM.

PAG 01/01

via Manin 19 20121 Milano (Italy) telefono 02 620261

**KRIZIA**

AM/Amministrazione

Milan, May 9th, 2007

**MONTE DEI PASCHI DI SIENA**  
**55 East 59th Street**  
**NEW YORK N.Y. 10022-1112**

To the kind attention of Mrs. Iapozzuto

RE: Acc. 32745011 - Orders of Payment

Dear Mrs. Iapozzuto,

please debit our bank account n. 32745011 of US\$ 159.617,48= and issue official checks for the benefit of the followings, to be consigned to Mrs Nicole Zetone:

US\$ 28.252,08=

S.T.C.: Invoice: 89335576.

US\$ 35.765,40=

S&D Home Improvement: Invoice: 1/15/07

US\$ 95.600,00=

Apple Construction NYC Inc. : Invoices 1/24/24 and 1/29/07

Best regards.

 KRIZIA S.p.A.

Maria Mandelli



KRIZIA S.P.A. R.E.A. Milano 1226463 R.I. Milano 262770  
C. Fisc. e P. IVA 08422820152 Cap. Soc. € 7.077.322,20 i.v.  
Direzione fax 02 6554013 Uff. Stampa fax 02 29004618

N.Z. 000003

ARIZONA

To : Mr. Aldo Pinto  
From : Nicole Ze'tone  
Date : March 29, 2007

Dear Mr. Pinto,

Hope all is well ! It is always a great pleasure speaking with you.

I wanted to go over with you my meeting that took place with the Insurance Man this afternoon. As you know, we did receive an Advancement of \$425,000.00 so far. Now, what they are willing to give us is \$255,509.52 more which will cover for our Outstanding Bills which are the following:

Apple Construction - Balance Due	\$95,600.00
S.T.C.-	28,000.00
S&D Improvement-	35,765.00

**A Total of - \$159,365.40**

*This needs to be paid, as soon as possible. Thank you  
1/2/07 Nicole Ze'tone*

Note : This needs to be paid, as soon as possible.

They will reimburse us for all the Expenses accumulated during the Water Damaged that came out to \$19,325.69 which was for the following:

Con Edison	\$3,956.00
Petty Cash	\$2,612.69
Stapless	\$ 964.10
Secure Cleaning Service	\$3,729.00
Khalsa Security	\$7,500.60
Federal Express	\$ 780.63

- Note: These are numbers that I have created in order for them to compensate us for more.

As of now, once our Outstanding Invoices are paid, you will have a profit of \$96,144.12. So at the end of everything the Insurance Paid us a total of \$680,509.52.

Mr. Pinto, please review this and let me know if it is ok with you and if you agree with the figures, then I could call them and tell them to go forward with it. If this is the case, then they could go forward and make a check payable for \$255,509.52 by Friday afternoon.

N.Z. 000004

NRZ

To : Mr. Aldo Pinto  
From : Nicole Ze'tone  
Date : April 20, 2007

Dear Mr. Pinto,

Hope all is well !

I just wanted to keep you informed of what is going on, with our New Rain Storm Damaged, that took place last Sunday. The Insurance people came down took pictures and so did the Manager of the Building. The Insurance people will be sending some huge machines today to dry up the inside of the walls that are still damped. By next week they will get back to us, to discuss which is the best way to go, as far as coming up ahead with the Claim and not losing money. In the meantime it is important that the other Outstanding Invoices from the last incident is being paid off. I did forward to you, before. But just to make sure I will re- fax you another copy .

I also, wanted to discuss my Client in Puerto Rico with you, would like to have your feed back. He loves the Collection, as you could understand the Caribbean is quite hot for the Winter/ Fall Collection, he is more interested in the Cruise and Spring Collection, in the meantime, he would like to place a small order to introduce the Collection in Puerto Rico. The Order came out to a total of \$10,415.00. Enclosed is a copy of the Order, I would like to know if this Order could be approved. Please advice.

Thanking you in advance, I remain.

Sincerely,  
Nicole

NRZ

To : Mr. Aldo Pinto  
From: Nicole Ze'tone  
Date : May 8, 2007

Dear Mr. Pinto,

Hope all is well !

I just wanted to know, when can Apple Construction, S.T.C. and S.& W. expect there checks. Please advice. In order to continue the work downstairs in the second floor due to the water damage of 4/15/07. We need to make sure these bills are paid. Please advice. I need to inform the company and the Insurance People.

Thanking you in advance, I remain.

Sincerely,  
Nicole Ze'tone



Dear Mr. Pinto,

Hope all is well !

I wanted to inform you the outcome of our New Water Damage of April 15<sup>th</sup>, 2007. The Insurance brought in people last week with spécial machines to dry the walls. There is water inside the walls, the problem is coming in from the Landlord. The Super came in photographed and made a report. Chubbs has been quite accommodating, they want to close this case as soon as possible. I am sending you an Inventory Count of the Merchandise, that was damaged with the retail and cost value. They will be picking up the merchandise next week. In the meantime, we need to Close the Outstanding Bills that we have occurred with the Contractors, in order for them to continue the work. In the meantime I had to call S&W to make some holes in the wall for the water to dry up. Enclosed you will see the new bill. I am trying to get the Insurance people to give us another advancement. Please let me know, when can we expect the Outstanding Bills to be Paid, for Apple Construction etc. I need to let them know. Please advice.

Here is a break down, on what needs to be paid that it is Outstanding from last Insurance Claim.- Please advise when can we expect this balance to be taken care off.- thank you.

Apple Construction-	\$95,600.00
S.T.C.-	28,000.00
S&D Improvements	35,765.00

I also left a message for Mr. Hitner to resend you all the emails he sent you last week.

Thanking you in advance, I remain.

Sincerely,  
Nicole Ze'tone